

Chapter XVII

Environmental Responsibility Recommendation For Hazardous Property Sales

A. Introduction.

An environmental assessment of potential purchasers of hazardous property is necessary in order to ensure that purchasers manage hazardous property in an environmentally responsible manner. This is accomplished through the process of hazardous property environmental responsibility recommendations (ERR) which purpose is to maximize the sale of hazardous property to buyers who demonstrate their ability to handle and manage hazardous property in a compliant manner thereby minimizing government liability and precluding ultimate disposal. Therefore, an environmental responsibility recommendation of all high bidders is required (including term and negotiated sales). Award of property by the Sales Contracting Officer (SCO) takes place once the ERR of high bidder/purchaser/destination facility has been determined. The HM SCO is the sole Government representative who has the authority by law to enter into a HM sales contract on behalf of the US Government.

B. Environmental Controls.

To ensure environmental responsibility recommendations are performed in an efficient and environmentally responsible manner, the following environmental controls are instituted:

1. Pre-award survey by DRMS-NPC/FST-E/FST-P/Zone Environmentalists.
2. Pre-award on-site inspection.
3. Post-award on-site inspection.

4. High bidder non-responsibility review by DRMS-G/DRMS-IG, legal staff.

5. Statement of Intent.

6. Centralized Program Management.

7. "Red-list" referral items review by DRMS-NOP and DRMS-NPC or FST-E/FST/P .

8. ERR technical reviews by DRMS-NPC, FST-E/FST-P/Zone.

C. Environmental Responsibility Recommendation (ERR).

DRMS-NOP (Sales Contracting Officers) will forward all requests for environmental responsibility recommendations of high bidders to DRMS-NPC/FST-E/FST-P/Zone. The requests will include (1) a DLA-Two-Way Memorandum (official request form), (2) a completed Statement of Intent (DRMS Form 1645), (3) a completed DNSP Facility Maintenance Screen of high bidder, (4) catalog item description, and, (5) other available documents to assist in the ERR process, i.e., permits, regulatory contacts/phone numbers, previous inspection reports, material safety data sheets/serial numbers (MSDS), etc. The above documentation will be used in determining potential purchaser's responsibility/non-responsibility environmental assessments. The ERR requests will be, CONUS ONLY, logged in the DRMS-NPC database prior to an ERR and provided to the responsible environmentalist performing the assessment. ERRs will be accomplished by performing pre-award telephone surveys, pre-award on-site surveys, post-award on-site surveys, and, for term sales purchasers, annual compliance assessments.

D. Pre-award Telephone Survey.

Pre-award telephone surveys will be conducted to assess the destination facility's operation including handling, storing, and disposing of hazardous materials, whether the operation is consistent with the statement of intent, housekeeping practices, pre-existing site conditions, regulatory compliance information and determine the need for an on-site inspection. To determine the environmental responsibility (of the purchaser and/or destination location), DRMS-NPC/FST-E/FST-P/Zone environmentalist performing the ERR will contact the appropriate Federal, state, or local regulatory agency and the destination location(s) to determine compliance and validate evidence of a working relationship. DRMS-NPC will document the results of the telephone survey as a conversation record. If responsible, DRMS-NPC/FST-E/FST-P/Zone will update the DNSP Facility Maintenance Screen with date inspection completed, date inspection results received, inspection expiration date, facility inspector name, inspection remarks and facility indicator (responsible/non-responsible). The DRMS-NPC internal database shall be updated accordingly (CONUS ONLY). If an on-site inspection is not needed/required, DRMS-NPC/FST-E/FST-P/Zone environmentalist will then forward results of the telephonic ERR assessment to appropriate SCO.

E. Pre-award On-site Surveys.

DRMO personnel will complete pre-award on-site surveys as requested by the DRMS-NPC environmentalist. Pre-award on-site surveys will be performed with the purpose of physically assessing the purchaser's and/or destination facility's entire operation, including their capability and knowledge regarding the management of hazardous property, capacity, storage, processing/use and transportation. Volume and toxicity of property, as well as other factors, shall be considered when determining if an on-site survey is required. When an on-site survey is required, DRMS-NPC will notify the appropriate DRMO to request an on-site survey be completed on a perspective purchaser or destination location. A courtesy copy

notification will be e-mailed to the appropriate Zone Manager informing him/her of the pre-award request. DRMS-NPC environmentalist will indicate which pre-award on-site survey checklist to use, i.e., DRMS Forms 2006 through 2010. These forms are located in Form Flow and are to be used by the DRMO to complete the survey along with the provided statement of intent, item description, and any other pertinent documents to aid in the on-site survey assessment. The DRMO will contact the DRMS-NPC environmentalist point of contact identified in the DRMO request if there are any questions concerning the on-site survey or to request an extension to the suspense date.

F. Post-Award On-Site Survey.

Primarily, government audit contractors will accomplish post-award on-site inspections for CONUS DRMOs. Only occasionally will CONUS DRMO personnel perform on-site post-awards. For CONUS-FST-E/FST-P/Zone, DRMO personnel will perform on-site post awards. Whether a contractor or other personnel perform an on-site post award will be determined on a case-by-case basis and the immediate requirement. Contractor post-award on-site inspections will be determined on the following basis: (1) volume of material purchased, (2) type, (3) toxicity, (4) hazard, (5) size, type or scope of facility operation, (6) history of compliance problems (known or suspected), (7) a lack of not having any information of facility on hand, and (8) facility has not been inspected within the last twelve (12) months. Once the facilities for inspection are identified, the request will be forwarded to DRMS-POB, Operational Contracting Branch, where the post-award on-site facilities will be contracted for the inspections. Once the contractor completes inspections, reports will be forwarded to DRMS-NPC environmentalist/COR and results recorded in the DNSP Facilities Maintenance Screen will be updated, to include any discrepancies, for SCO/DRMS perusal.

G. Annual Hazardous Property Term Sale Assessments.

Annual hazardous property responsibility recommendation assessment of all term sale purchasers will be performed by DRMS-NPC/FST-E/FST-P/Zone/DRMO. For CONUS ONLY, DRMS-NOP will post term sale purchasers on the DRMS internal "J" drive whereby DRMS-NPC environmentalist may access and select term sale purchasers for the ERR. The ERR process and responsibility recommendation(s) will be in-line with what has been previously discussed in paragraphs above. The internal DRMS database, CONUS ONLY, and DNSP Facility Maintenance Screen will be updated by DRMS-NPC appropriate environmentalist accordingly.

IFB/contract number. These files will be maintained for three years, as a minimum, or until such time DRMS-NPC deem them to be obsolete.

H. Disapproval/Non-Responsibility Recommendations.

Any non-responsibility recommendations will be forwarded to DRMS-G (legal staff) for concurrence/non-concurrence. DRMS-G/IG will provide its concurrence/non-concurrence to DRMS-NPC/FST-E/FST-P where the DRMS internal database and DNSP Facility Maintenance Screen are updated and results forwarded on to DRMS-NOP.

I. Additional Commodities.

Whenever possible, inspections should include and determine what additional types of hazardous property the purchaser and/or destination location is capable of storing/processing/managing other than the items in which it is potentially eligible for award. THIS ACTION WILL PREVENT A REPETITIVE INSPECTION SHOULD THE BIDDER BID ON DIFFERENT COMMODITIES IN THE FUTURE.

J. Environmental Files.

Environmental responsibility recommendation and facility files of purchasers and or destination locations will be maintained in DRMS-NPC/FST-E/FST-P/Zone Office and sorted by purchaser/destination site location. In the event it is necessary, the purchaser/destination site file will include specific correspondence by